IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

XYZ MEDIA INC.,	§	
	§	Civil Action No.________________
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
	§	
MARK MARIS, ADAM ALFIA,	§	
MICHAEL TERRELL AND	§	
LEAD CRANK LLC,	§	
	§	
	§	JURY DEMANDED
Defendants.	§	

PLAINTIFF'S ORIGINAL COMPLAINT,
APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER, AND APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS

Plaintiff XYZ Media Inc. ("XYZ" or "Plaintiff"), by and through its attorneys, Fox Rothschild LLP, files the following Complaint against Defendants Mark Maris ("Maris"), Adam Alfia ("Alfia"), Michael Terrell ("Terrell"), and Lead Crank LLC ("Lead Crank"), and in support thereof, asserts the following:

SUMMARY OF THE CASE

XYZ Media is a market leader in online search engine optimization and organic search traffic for education lead generation. Mark Maris, a key employee of XYZ, had unrestricted access to XYZ's servers and domain accounts, and he was familiar with all aspects of the administration of XYZ's business. Shortly before resigning from XYZ, Maris and the other Defendants began registering domain names closely resembling XYZ's most profitable internal site list. Further, the offending websites set up by the Defendants contained substantially similar content to XYZ's copyrighted web pages. Defendants have infringed on XYZ's trademark rights, infringed on XYZ's copyrights, misappropriated XYZ's trade secrets, and tortiously interfere with XYZ's existing and prospective business relations. These actions have caused and will continue to cause considerable damage to XYZ, thus necessitating the filing of this suit.

JURISDICTION

1. This Court possesses subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

2. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367. This is an action for (1) unfair competition under 15 U.S.C. § 1125(a) (Lanham Act § 43(a)); (2) cybersquatting under 15 U.S.C. § 1125(d) (Lanham Act § 43(d)); (3) copyright infringement under 17 U.S.C. § 501, and (4) related causes of action under the laws of the State of Texas.

3. As set forth below, the actions listed above arise, *inter alia*, out of Defendants' use in commerce of multiple marks, words and names in connection with goods and services similar and/or related to those of XYZ, Defendants' registration and use of multiple domain names containing Defendants' marks, Defendants' blatant scraping of XYZ's web content to profit from same, and Defendants' misappropriation of XYZ's trade secrets.

PARTIES

4. Plaintiff, XYZ Media Inc., is a corporation organized under the laws of the State of Washington.

5. Defendant, Adam Alfia, is an individual and a citizen of the State of Texas and may be served with process at 16990 Dallas Parkway, Suite 200, Dallas, Texas 75248, or at 7739 Bryn Mawr Dr., Dallas, Texas 75225, or wherever he may be found.

6. Defendant, Mark Maris, is an individual and a citizen of the State of Texas and may be served with process at 5283 Golfside Drive, Frisco, Texas 75035, or wherever he may be found.

7. Defendant, Michael Terrell, is an individual and a citizen of the State of Texas and may be served with process at 11491 Glen Rose Drive, Frisco, Texas 75035, or at 16990 Dallas Parkway, Suite 200, Dallas, Texas 75248, or wherever he may be found.

8. Defendant, Lead Crank LLC, is a limited liability company organized under the laws of the State of Texas. Defendant has its principal place of business in the State of Texas. Defendant may be served with process by serving its registered agent, Adam Alfia, at 16990 Dallas Parkway, Suite 200, Dallas, Texas 75248.

9. Defendants sell, offer, advertise and render the services associated with its products and services on the Internet, which is accessible throughout the world, including in this judicial district and in the State of Texas.

10. The acts of Defendants giving rise to XYZ's claims have been and continue to be committed by Defendants in this judicial district.

VENUE

11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), and § 1391(c) because a substantial part of the events or omissions giving rise to XYZ's claims occurred and are occurring in this judicial district, and through their residences and/or actions, all Defendants are subject to personal jurisdiction in this district.

FACTUAL BACKGROUND

12. XYZ Media is a market leader in online search engine optimization (SEO) and organic search traffic for education lead generation. *See* Exhibit A, Paragraph 3 (Declaration of Tom Jentz). Focused on dominating a very complex system of search engine optimization, XYZ relies on strategies that continually obtain placement in all areas that its clients are unable to gain exposure. *Id.* By using web analytics to determine which terms are turning into conversions, XYZ is able to target all variations of those terms to obtain unparalleled coverage on the suites of keywords. *Id.* As a result, XYZ yields some of the highest backend lead-to-student conversions of all traffic and lead generation companies online. *Id.*

13. On or about August 8, 2016, XYZ hired Mark Maris as a server administrator and programmer. *Id.* at Paragraph 4. Maris's duties and responsibilities included server administration and programming. *Id.* Further, he was responsible for website programing and server maintenance. *Id.* During his employment with XYZ, Maris had unrestricted access to XYZ's servers and domain accounts, and he was familiar with all aspects of the administration of XYZ's business. *Id.*

14. Unbeknownst to XYZ, on or about August 8, 2016, Maris and Adam Alfia formed a company called Lead Crank LLC. *Id.* at Paragraph 5. On or about August 12, 2016, Maris registered www.usa-leads.com with GoDaddy.com. *Id.* Around that same date, several domains closely resembling XYZ's internal site list were registered with GoDaddy under www.usa-leads.com. *See* Exhibit A-1 (List of offending domains registered by Defendants). *See also* Exhibit A-2 (IP address lookup of two of the offending domains that connect Maris and www.usa-leads.com to the registration of same). These critical events took place while Maris was still

employed by XYZ. Maris resigned from XYZ on August 28, 2016. *See* Exhibit A, Paragraph 5 (Declaration of Tom Jentz).

15. Maris, Alfia, and Lead Crank's head of business development Michael Terrell conspired to, among other things, infringe on XYZ's trademark rights, infringe on XYZ's copyrights, misappropriate XYZ's trade secrets, and tortiously interfere with XYZ's existing and prospective business relations. *Id.* at Paragraph 6. Lead Crank LLC serves as the anchor company through which www.usa-leads.com (USA-Leads) conducts the infringing and illicit acts that have damaged XYZ to this day. More specifically, Defendants have been using USA-Leads along with information acquired by Maris during his employment at XYZ to approach XYZ's current customers by way of the misappropriated trademarks, domain names, and copyrighted sites, and in turn sending ill-gotten proceeds to Lead Crank. *Id.* By way of just one example, Terrell contacted All Star Directories on February 27, 2017. *See* Exhibit A-3 (Email from Terrell to Morgan Brannon). All Star Directories is a customer of XYZ. *See* Exhibit A, Paragraph 6 (Declaration of Tom Jentz). Terrell initiated this contact through USA-Leads, and the compensation for the resulting lead generation was to be paid to Lead Crank.

16. As of the date of this filing, there are 28 websites registered by Defendants using nearly identical domain names as that of XYZ, as well as substantially similar copyrighted content that was scraped from XYZ's web pages. *See* Exhibit A-4 (Sample screenshots of five XYZ webpages with the corresponding content copied by Defendants). As a result, XYZ has already suffered money damages through this redirection of revenue that rightfully belongs to XYZ. *See* Exhibit A, Paragraph 7 (Declaration of Tom Jentz). XYZ currently owns 129 sites that it has created. *Id.* However, the 28 offending sites that Defendants have operated under were chosen by Defendants as a way to hijack XYZ's key revenue generators. *Id.* More specifically, these 28

infringing sites constitute nearly 63% of XYZ's revenue, despite only representing 17% of XYZ total sites. *See* Exhibit A-5 (Chart comparing Defendants' domains with those of XYZ, along with XYZ's lost revenue). This is not a coincidence. Maris had access to key trade secrets of XYZ, not the least of which were its customer lists as well as the list of the top-performing web sites. *See* Exhibit A, Paragraph 7 (Declaration of Tom Jentz). These websites, both in their content and in their domain names, used in commerce the trademarks by which XYZ operated its lead-generating business. *Id.* Defendants knew exactly which sites and customers to target. *Id.* To add insult to injury, Defendants' actions in misappropriating XYZ's content resulted in Google issuing content penalties to XYZ due to the duplicative nature of the infringing material. *Id.* These penalties resulted in XYZ losing valuable ground in search engine optimization, which is the cornerstone of its business. *Id.*

17. The aforementioned actions of Defendants are just the tip of the iceberg, and the snowball effect inherent in this type of misappropriation will cause irreparable damage to XYZ's business if Defendants are not immediately restrained from their actions and called upon to redress the wrongs inflicted on XYZ. *Id.* at Paragraph 8.

CLAIMS AND CAUSES OF ACTION

COUNT I

Trademark Infringement and False Designation of Origin (15 U.S.C. § 1125(a))

18. XYZ incorporates by reference the allegations in paragraphs 1 through 17 above.

19. Defendants' use in commerce of the 28 domain names it misappropriated constitutes use of a false designation of origin in interstate commerce, which wrongfully and falsely designates, describes or represents the origin of Defendants' goods and services, and is likely to cause confusion, cause mistake and to deceive as to Defendants' affiliation, connection, or

association with XYZ, and/or as to the origin, sponsorship, or approval of Defendants' goods and services by XYZ.

20. Upon information and belief, Defendants' actions have been willful and intentional.

21. Defendants' wrongful activities have been and will continue to cause irreparable damage to XYZ, its business reputation and the goodwill associated with its marks unless such activities are enjoined by this Court.

22. Moreover, XYZ has no adequate remedy at law.

23. The Court should accordingly determine that Defendants have engaged in trademark infringement by using XYZ marks in commerce.

COUNT II

Common Law Trademark Infringement

24. XYZ incorporates by reference the allegations in paragraphs 1 through 23 above.

25. Defendants' use in commerce of the 28 domain names it misappropriated constitutes unfair competition and an infringement of XYZ's common law rights in its marks.

26. XYZ's common law rights in its marks are superior to any rights that Defendants may claim in their use of designations.

27. Defendants have used, and continue to use, XYZ's marks in Texas and throughout the United States.

28. Said use is likely to cause confusion as to the source of Defendants' goods and services in that purchasers and prospective purchasers thereof will likely associate or have associated such goods and services with or as originating from XYZ, all to the detriment of XYZ.

29. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

30. Defendants' conduct has caused, and continues to cause, irreparable injury to XYZ and, unless enjoined by this Court, will continue both to damage XYZ and to deceive the public.

31. Moreover, XYZ has no adequate remedy at law.

32. The Court should accordingly determine that Defendants have engaged in trademark infringement by using XYZ's marks in commerce.

COUNT III

Federal Cybersquatting (15 U.S.C. § 1125(d))

33. XYZ incorporates by reference the allegations in paragraphs 1 through 32 above.

34. Defendants' conduct, as set forth fully above, constitutes "cybersquatting" under the Anti-Cybersquatting Consumer Protection Act.

35. Defendants used, registered, and/or trafficked in multiple domain names belonging to XYZ with a bad faith intent to profit from the XYZ marks.

36. The XYZ marks were distinctive at the time of their use, and the Defendants' use of same is confusingly similar to the XYZ marks.

37. Defendants' wrongful activities have caused irreparable damage to XYZ and will continue to do so unless such activities are enjoined by this Court.

38. Moreover, XYZ has no adequate remedy at law.

39. The Court should accordingly determine that Defendants have engaged in cybersquatting by using XYZ's domain names.

COUNT IV

Unfair Competition under Section 17.46(a) of the Texas Business and Commerce Code

40. XYZ incorporates by reference the allegations in paragraphs 1 through 39 above.

41. Defendants have used, and are continuing to use, XYZ's marks in commerce in Texas and throughout the world.

42. Defendants' actions set forth above constitute false, misleading, or deceptive acts or practices including, but not limited to, (1) passing off Defendants' goods or services as those of XYZ's; (2) causing confusion or misunderstanding as to the source of its goods and services, sponsorship, approval, or certification of its goods or services; and/or (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, XYZ.

43. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

44. Defendants' wrongful activities have been and will continue to cause irreparable damage to XYZ, its business reputation and the goodwill associated with its marks unless such activities are enjoined by this Court.

45. Moreover, XYZ has no adequate remedy at law.

46. The Court should accordingly determine that Defendants have engaged in unfair competition by using XYZ's marks in commerce.

COUNT V

Copyright Infringement Under 17 U.S.C. §§ 501 et seq.

47. XYZ incorporates by reference the allegations in paragraphs 1 through 46 above.

48. XYZ is the owner of certain copyrighted works comprised of the websites it created along with the accompanying content, which are original works of authorship fixed in a tangible medium of expression entitled to protection under the Copyright Act, 17 U.S.C. § 101, *et. seq.*

49. Defendants had access to and copied XYZ's copyrighted works and either incorporated identical portions thereof into at least one of their infringing works or made derivative works, and sold, displayed and distributed unauthorized copies of derivative works for financial gain, all in violation of the rights granted to XYZ under 17 U.S.C. § 106.

50. Defendants have infringed and continue to infringe XYZ's copyrighted works in violation of 17 U.S.C. §§ 106 and 501(a), by reproducing, distributing, displaying, and selling its infringing works containing XYZ's copyrighted works. Defendants have thus been engaging in unfair trade practices and unfair competition against XYZ, and this conduct is also actionable under 28 U.S.C. § 1338(b).

51. By reason of Defendants' copyright infringement, XYZ has sustained and will continue to sustain substantial irreparable injury and loss.

52. Unless enjoined, Defendants' acts of copyright infringement as alleged above will cause XYZ continued irreparable injury.

53. By reason of its infringement of XYZ's copyrights as alleged above, Defendants are liable to XYZ for the actual damages it incurred as a result of Defendants' infringement and any additional profits of Defendants attributable to the infringement. In the alternative, and without waiving the right to actual damages, XYZ seeks statutory damages for copyright

infringement, pursuant to 17 U.S.C. § 504, in an amount up to $150,000.00 for each act of infringement.

COUNT VI

Misappropriation of Trade Secrets

54. XYZ incorporates by reference the allegations in paragraphs 1 through 53 above.

55. The elements of a trade-secret misappropriation action under the Texas Uniform Trade Secrets Act (TUTSA) are the following: (1) the plaintiff owned a trade secret, (2) the defendant misappropriated the trade secret, and (3) the misappropriation caused injury. Tex. Civ. Prac. & Rem. Code §§ 134A.002(1), (3), (6), 134A.004(a).

56. XYZ is the owner of certain trade secrets. Specifically, XYZ is the owner of certain proprietary information that it uses in its trade or business. This information gives XYZ a competitive advantage in the marketplace. Due to the proprietary and secretive nature of this information, XYZ took measures to ensure the secrecy of that information.

57. Defendant Maris misappropriated these trade secrets. Specifically, Defendant Maris (with the assistance of the other Defendants) used and disclosed the trade secrets in violation of a confidential relationship with XYZ.

58. As a result of the misappropriation, XYZ has suffered injuries in the form of value lost by XYZ, as well as value gained by Defendants.

59. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

60. Defendants' wrongful activities have caused, and will continue to cause, irreparable damage to XYZ.

61. Moreover, XYZ has no adequate remedy at law.

62. Because XYZ's trade secret misappropriation claim sounds in tort, as opposed to in contract, it is entitled to exemplary damages for Defendants' egregious actions.

COUNT VII

Breach of Fiduciary Duty

63. XYZ incorporates by reference the allegations in paragraphs 1 through 62 above.

64. Maris, by virtue of his employment with XYZ, had a fiduciary relationship with his employer. As a result, he had an obligation to act in his employer's best interest during his employment.

65. Maris violated this fiduciary relationship by divulging his employers' trade secrets, both during his employment as well as after he resigned. Moreover, Maris used and disclosed confidential information secured by reason of the fiduciary relationship to his employer's detriment.

66. As a result of Maris's breach of fiduciary duty (which the other Defendants' sanctioned and/or encouraged), XYZ suffered injury in addition to the benefit derived by Maris.

67. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

68. Defendants' wrongful activities have been and will continue to cause irreparable damage to XYZ.

69. Moreover, XYZ has no adequate remedy at law.

70. Because the breach of fiduciary duty was intentional, XYZ is entitled to both exemplary and actual damages.

COUNT VIII

Tortious Interference with Existing Contracts

71. XYZ incorporates by reference the allegations in paragraphs 1 through 70 above.

72. XYZ has established business relationships with various customers, of which Defendants were acutely aware by virtue of Maris's employment with XYZ.

73. Defendants willfully and intentionally interfered with the aforementioned business relationships through both inducement and hindrance of performance.

74. Defendants' interference with these business relationships proximately caused injury to XYZ, which is comprised of actual economic damages in the form of lost benefits of the bargain, lost profits, as well as Defendants' profits.

75. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

76. Defendants' wrongful activities have been and will continue to cause irreparable damage to XYZ.

77. Moreover, XYZ has no adequate remedy at law.

78. Because Defendants' tortious interference was intentional and malicious, XYZ is entitled to exemplary and actual damages.

COUNT IX

Tortious Interference with Prospective Business Relations

79. XYZ incorporates by reference the allegations in paragraphs 1 through 78 above.

80. There was a reasonable probability that XYZ would have entered into certain business relationships with third parties.

81. Defendants intentionally interfered with these relationships, and this interference was independently tortious or unlawful.

82. Defendants' interference with these business relationships proximately caused injury to XYZ, which is comprised of actual economic damages in the form of lost benefits of the bargain, lost profits, as well as Defendants' profits.

83. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

84. Defendants' wrongful activities have been and will continue to cause irreparable damage to XYZ.

85. Moreover, XYZ has no adequate remedy at law.

86. Because Defendants' tortious interference was intentional and malicious, XYZ is entitled to exemplary and actual damages.

COUNT X

Conspiracy

87. XYZ incorporates by reference the allegations in paragraphs 1 through 86 above.

88. Defendants were members of a combination of two or more persons, and the object of the combination was to accomplish an unlawful purpose, or a lawful purpose by unlawful means.

89. The members had a meeting of the minds on the object or course of action, which was to induce Maris to breach his fiduciary duties to XYZ. Further, the members had a meeting of the minds to tortiously interfere with XYZ's existing and potential business relationships.

90. At least one of the members of the conspiracy committed an unlawful, overt act to further the object or course of action.

91. As a result, XYZ suffered injury as a proximate result of the Defendants' wrongful acts.

92. Upon information and belief, Defendants' actions complained of herein have been willful and intentional.

93. Defendants' wrongful activities have been and will continue to cause irreparable damage to XYZ.

94. Moreover, XYZ has no adequate remedy at law.

95. Because Defendants have committed tortious interference and breach of fiduciary duty, XYZ is entitled to exemplary damages by virtue of the conspiracy to commit those torts.

COUNT XI

Motion for Temporary Restraining Order

96. XYZ incorporates by reference the allegations in paragraphs 1 through 95 above.

97. XYZ likely will suffer imminent harm and irreparable injury if Defendants are not immediately restrained from using XYZ's trademarks, domain names, trade secrets, and copyrighted material. Fed. R. Civ. P. 65(b)(1).

98. There is no dispute that Defendants intend to engage in the very activity that Plaintiff seeks to enjoin. Specifically, Defendants are currently using very similar and, in some instances, nearly identical domain names to those of the Plaintiff. Further, the web content associated with these misappropriated domains contain substantially similar material to the Plaintiff's websites. Therefore, there is no conjecture involved in satisfying the imminent harm requirement.

99. An irreparable injury is one that cannot be prevented or fully rectified by a final judgment following a trial. *See Deerfield Med. Ctr. v. City of Deerfield Beach*, 661 F.2d 328, 338 (5th Cir. 1981) (irreparable injury is harm that cannot be undone by an award of monetary

damages). At this time, XYZ's damages are not ascertainable or easily calculated. Defendants are currently registering domain names that infringe on XYZ's marks, and are racking up leads on a daily basis that can have a devastating effect on XYZ's business. This damage includes not only lost profits, but also lost goodwill and reputation (as evidenced by Google's aforementioned content penalties). Penalties that harm search engine optimization are precisely the type that cannot be quantified by a mere dollar figure. Therefore, although Plaintiff has already suffered a monetary loss in the form of lost revenues, it is also being harmed in an unquantifiable manner that is the hallmark of unfair internet competition. There is no adequate remedy at law because a money judgment would come well after the aforementioned damage has been done.

100. There is a substantial likelihood that Plaintiff will prevail on the merits because the Defendants' actions are documented and the actionable behavior can be traced with minimal effort. *See Bluefield Water Ass'n v. City of Starkville,* 577 F.3d 250-252-53 (5th Cir. 2009). It is not necessary for the applicant to prove it will ultimately prevail. *Walling v. Metcalfe,* 863 S.W.2d 56, 57 (Tex. 1993).

101. The threatened harm to Plaintiff outweighs the harm that a temporary restraining order would inflict on Defendants. *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 297 (5th Cir. 2012). A balancing of hardships reveals that it is the Plaintiff who will ultimately suffer if Defendants are permitted to continue their damaging efforts. Any harm resulting to Defendants would be the prevention of unjust enrichment through their unlawful actions. Given Plaintiff's likelihood of success on its claims, the threatened harm to Plaintiff outweighs the harm that would befall the Defendants.

102. Issuing a temporary restraining order would not adversely affect the public interest and public policy. *Mississippi Power & Light Co., et al v. United Gas Pipe Line Co,* 760 F.2d

618, 623 (5th Cir. 1985). Should this Court grant the injunctive relief requested, it would affect only the parties to this lawsuit. To the extent that the prospective customer is an affected nonparty, the customer is isolated in the marketplace and does not represent the public interest as a whole. For the same reason, enjoining Defendants' actions does not run counter to public policy.

103. Plaintiff is willing to post bond in an amount the Court deems appropriate.

104. Plaintiff also asks the Court to set the request for a preliminary injunction for hearing at the earliest possible date.

105. For these reasons, Plaintiff asks the Court to issue a temporary restraining order preventing Defendants from (a) directly or indirectly using, in whole or in part, or in any form, XYZ's marks, or any other mark, word or name similar to XYZ's Marks which is likely to cause confusion, mistake or to deceive; (b) making any false or misleading designation or representation of origin, and/or engaging in any unfair methods of competition and/or unfair and/or deceptive acts or practices which may or are likely to cause the actual or potential customers of XYZ and/or Defendants and/or the public in general to believe that Defendants, and/or their products, services or business, are in any way associated, affiliated, or connected with, or sponsored by, XYZ, or otherwise falsely designating or representing the source, origin, sponsorship, connection, or affiliation of Defendants, and/or Defendants' activities or business of Defendants, *vis-à-vis* XYZ; (c) using any of Plaintiff's trade secrets, (d) using Plaintiff's copyrighted material, and (e) unfairly competing with XYZ. Further, Plaintiff asks the Court to order that Defendants provide a list of the customers they have contacted with respect to the domain names at issue, as well as a list of any confidential and/or proprietary information that has been submitted to these customers.

COUNT XII

Application for Preliminary Injunction

106. XYZ incorporates by reference the allegations in paragraphs 1 through 105 above.

107. Plaintiff asks the Court to set its application for preliminary injunction for a hearing and, after the hearing, issue a preliminary injunction against Defendants for the reasons articulated in this Complaint.

COUNT XIII

Request for Permanent Injunction

108. XYZ incorporates by reference the allegations in paragraphs 1 through 107 above.

109. Plaintiff asks the Court to set its application for injunctive relief for a full trial on the issues in this application and, after the trial, to issue a permanent injunction against Defendants.

DEMAND FOR JURY TRIAL

110. XYZ demands a trial by jury of all triable claims.

RELIEF REQUESTED

WHEREFORE, XYZ respectfully requests that:

(1) The Court find and enter Judgment against Defendants on each of XYZ's Claims for Relief, Counts I through XIII.

(2) The Court enjoin and restrain Defendants, their officers, directors, agents, servants, employees, attorneys, affiliates, successors, assigns, and all persons acting for, with, by, through or under them, from:

(a) directly or indirectly using, in whole or in part, or in any form, XYZ's marks, or any other mark, word or name similar to XYZ's Marks likely to cause confusion, mistake or to deceive;

(b) making any false or misleading designation or representation of origin, and/or engaging in any unfair methods of competition and/or unfair and/or deceptive acts or practices that may or are likely to cause the actual or potential customers of XYZ and/or Defendants and/or the public in general to believe that Defendants, and/or their products, services or business, are in any way associated, affiliated, or connected with, or sponsored by, XYZ, or otherwise falsely designating or representing the source, origin, sponsorship, connection, or affiliation of Defendants, and/or Defendants' activities or business of Defendants, *vis-à-vis* XYZ; and

(c) unfairly competing with XYZ.

(3) The Court require Defendants to account for and pay over to XYZ all gains, profits and advantages derived by them from the activities complained of herein.

(4) The Court award XYZ its actual damages caused by Defendants' acts complained of herein.

(5) The Court award XYZ statutory damages for copyright infringement, pursuant to 17 U.S.C. § 504, in an amount up to $150,000.00 for each act of infringement.

(6) The Court award XYZ treble the amount of actual damages suffered by XYZ.

(7) The Court award XYZ compensatory damages in an amount to be proven at trial, for which Defendants shall be liable.

(8) The Court award XYZ its costs in this civil action.

(9) The Court award XYZ its reasonable attorneys' fees.

(10) The Court Order that Defendants transfer to XYZ the domain names at issue.

(11) The Court award such other and further relief as the Court may deem just and equitable.

Respectfully submitted,

/s/ Andy Nikolopoulos________________
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Dated: March 24, 2017 *Attorneys for Plaintiff, XYZ Media, Inc.*